

## Message Text

LIMITED OFFICIAL USE

PAGE 01 TOKYO 06412 301258Z

13

ACTION L-03

INFO OCT-01 EA-07 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 IO-13 TRSE-00 /074 W

----- 101100

R 300955Z APR 76

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 8867

LIMITED OFFICIAL USE TOKYO06412

E.O. 11652: N/A

TAGS: PGOV, PFOR, JA

SUBJ: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD:  
JAPANESE LAWS

REF: STATE 094647

1. FOLLOWING RESPONDS TO REQUEST REFTEL FOR JAPANESE  
LAWS CONCERNING QUESTIONABLE PAYMENTS. ITEMS ARE KEYED  
TO REF PARA 2:

(A) YES: PENAL CODE OF JAPAN (LAW NO. 45 OF  
1907) ARTICLES 193-198 ENTITLED "CRIMES OF OFFICIAL  
COORUPTION" COVERS THESE MATTERS. ARTICLE 193-197  
DEAL WITH RECEIPT OR SOLICITATION OF BRIBES AND ARTICLE  
198 DEALS WITH OFFERING AND GIVING BRIBES.

(B) NO. HOWEVER, THE CODE OF CRIMINAL  
PROCEDURES (LAW NO. 131 OF 1948) IN A CHAPTER  
ENTITLED "SEIZURE AND SEARCH" (ARTICLES 99-127)  
AUTHORIZES COURTS TO ORDER AND SEIZE ANY ITEMS WHICH  
MIGHT BE USED AS EVIDENCE IN JUDICIAL PROCEEDINGS.  
THIS COULD LEAD TO DISCLOSURE OF ANY PAYMENTS OR BRIBES  
MADE.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 TOKYO 06412 301258Z

(C) YES. ARTICLE 197 OF CODE OF

CRIMINAL PROCEDURES REFERS TO PUBLIC OFFICERS  
AND "THIRD PERSONS," I.E. AGENTS,  
AS SUBJECTS TO CRIMINAL PROSECUTION IN CONNECTION WITH  
BRIBERY.

(D) PARTIALLY YES. LAW FOR REGULATION OF  
POLITICAL CONTRIBUTIONS AND EXPENDITURES (LAW NO. 1974  
OF JULY 29, 1948 ARTICLE 35) RESTRICTS POLITICAL  
CONTRIBUTIONS BY CANDIDATES, CERTAIN ELECTION OFFICIALS  
AND PARTIES WHICH MIGHT STAND TO GAIN SPECIAL PROFITS.

(E) YES. ARTICLES 7 AND 12 OF "REGULATION  
POLITICAL CONTRIBUTIONS AND EXPENDITURES" (D ABOVE)  
REQUIRES DETAILED REPORTS.

(F) PARTIALLY. "LAW FOR IMPROVEMENT OF PENAL  
REGULATIONS OF ECONOMIC RELATIONS OF LAW NO. 4  
OF 1944 (LAW NO. 242 OF DECEMBER 27, 1947) MAKES CRIMINAL  
BRIBERY RELATED TO GOVERNMENT SUBSIDIZED CORPORATIONS AND  
"ESTABLISHMENTS CORRESPONDING TO THEM".  
PERTINENT LAWS

2. PENAL CODE OF JAPAN, CHAPTER XXV, ARTICLES  
193-198 "CRIMES OF OFFICIAL CORRUPTION." JAPANESE  
PENAL CODE DEFINES AS CRIME RECEIPT, DEMAND OR  
CONTRACT FOR A BRIBE BY PUBLIC OFFICERS OR  
ARBITRATORS IN CONNECTION WITH THEIR DUTIES. CODE  
ALSO MAKES CRIMINAL A PUBLIC OFFICIAL OR ARBITRATOR  
CASUING A BRIBE TO BE GIVEN TO A THIRD PERSON OR WHO  
DEMANDS OR PROMISES SUCH GIFTS. A PRSON WHO GIVES,  
OFFERS, OR PROMISES A BRIBE TO PUBLIC OFFICERS OR  
ARBITRATORS IS SIMILARLY COMMITTING A CRIME.  
PUNISHMENT RANGES UP TO THEN YEARS.

3. CHAPTER IX "SEIZURE AND SEARCH." ARTICLE 99  
AND 103: ANY ARTICLE A COURT DEEMS NECESSARY AS  
EVIDENCE OR LIABLE TO BE CONFISCATED CAN BE SEIZED  
BY COURTS. SUCH SEIZURE INCLUDES ARTICLES IN THE  
CUSTODY OF A PRSSON WHO IS OR WAS A PUBLIC OFFICIAL,  
EXCEPT IN CASES WHERE COMPLIANCE WOULD BE "PREJUDICIAL  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 TOKYO 06412 301258Z

TO IPORTANT INTERESTS OF THE STATE."

4. LAW NO. 242 AMENDS LAW NO. 4 OF 1944 TO MAKE  
PUNISHABLE RECEIPT, REQUEST, OR AGREEMENT TO RECEIVE  
BRIBES BY OFFICERS AND OTHER PERSONNEL OF PUBLIC  
CORPORATIONS. THESE INCLUDE COMPANIES AND ASSOCIATIONS  
ESTABLISHED BY SPECIAL LAWS AND ORDINANCES WHICH  
MANAGE RAILWAYS, ELECTRICITY, GAS AND OTHER

ENTERPRISES WHICH ARE MONOPOLISTIC. PENALTIES RANGE  
TO SEVEN YEARS FOR AGGRAVATED OFFENSES.

4. LAW NO 194 "REGULAION OF POLITICAL CONTRIBUTIONS AND  
EXPENDITURES": CATEGORIES OF PRSONS LISTED HEREAFTER ARE  
FORBIDDEN TO MAKE CONTRIBUTIONS IN CONNECTION WITH ELECTIONS  
ALTHOUGH CANDIDATES ARE PRMITTED TO MAKE CONTRIBUTIONS TO  
THEIR LOCAL PARTY ORGANIZATION WHERE THEY RESIDE. OTHERWISE, THOSE  
FORBIDDEN TO MAKE CONTRIBUTIONS INCLUDE: A) CANDIDATES: B) PARTIES  
T WORK COTRACTS OR OTHER AGREEMENTS ATTENDED WITH SPECIAL PROFITS  
MADE WITH THE STATE, IN ELECTIONS TO BOTH HOUSES OF THE DIET  
OR WITH A LOCAL POLITICAL ENTITY IN CASES OF LOCAL ELECTIONS:  
C) (PER ARTICLE 36, SAME LAW) MEMBERS OF LOCAL AND NATIONAL  
ELECTORAL COMMISSIONS: D) A(ALSO PER ARTICLE 36) FOFBIDS ANY  
PERSON TO RECEIVE CONTRIBUTIONS IN CONNECTION WITH ELECTIONS  
FROM FOREIGN NATIONALS OR FOREIGN CORPORATIONS OR ORGANIZATION.

5. PERTINENT LAWS BEING POUCHED TO DEPARTMENT L/PM.  
HODGSON

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CABINET, BRIBERY, POLICIES, COMMITTEES, BUSINESS FIRMS, FOREIGN INVESTMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 30 APR 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** BoyleJA  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976TOKYO006412  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760166-0451  
**From:** TOKYO  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t1976041/aaaaaalz.tel  
**Line Count:** 134  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE 94647  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** BoyleJA  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 01 JUN 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <01 JUN 2004 by buchant0>; APPROVED <22 SEP 2004 by BoyleJA>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD: JAPANESE LAWS  
**TAGS:** PGOV, PFOR, EINV, JA, XX  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006